



# House of Representatives

## File No. 707

General Assembly

February Session, 2016

**(Reprint of File No. 186)**

Substitute House Bill No. 5359  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
April 22, 2016

### **AN ACT CONCERNING STATE MILITARY CONSTRUCTION PROJECTS.**

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Section 4b-51 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) The Commissioner of Administrative Services shall have charge  
4 and supervision of the remodeling, alteration, repair or enlargement of  
5 any real asset, except any dam, flood or erosion control system,  
6 highway, bridge or any mass transit, marine or aviation transportation  
7 facility, a facility of the Connecticut Marketing Authority, an asset of  
8 the Department of Agriculture program established pursuant to  
9 section 26-237a, or any building under the supervision and control of  
10 the Joint Committee on Legislative Management, involving an  
11 expenditure in excess of five hundred thousand dollars, and except  
12 that (1) the Judicial Branch may have charge and supervision of the  
13 remodeling, alteration, repair, construction or enlargement of any real  
14 asset involving an expenditure of not more than one million two

15 hundred fifty thousand dollars, (2) each constituent unit of the state  
16 system of higher education may have charge and supervision of the  
17 remodeling, alteration, repair, construction or enlargement of any real  
18 asset involving an expenditure of not more than two million dollars,  
19 [and] (3) The University of Connecticut shall have charge and  
20 supervision of the remodeling, alteration, repair, construction, or  
21 enlargement of any project, as defined in subdivision (16) of section  
22 10a-109c, notwithstanding the amount of the expenditure involved,  
23 and (4) the Military Department may have charge and supervision of  
24 the remodeling, alteration, repair, construction or enlargement of any  
25 real asset involving an expenditure of not more than two million  
26 dollars. In any decision to remodel, alter, repair or enlarge any real  
27 asset, the commissioner shall consider the capability of the real asset to  
28 facilitate recycling programs.

29 (b) No officer, department, institution, board, commission or council  
30 of the state government, except the Commissioner of Administrative  
31 Services, the Commissioner of Transportation, the Connecticut  
32 Marketing Authority, the Department of Agriculture for purposes of  
33 the program established pursuant to section 26-237a, the Joint  
34 Committee on Legislative Management, the Judicial Branch, [or] a  
35 constituent unit of the state system of higher education or the Military  
36 Department as authorized in subsection (a) of this section, shall, unless  
37 otherwise specifically authorized by law, make or contract for the  
38 making of any alteration, repair or addition to any real asset involving  
39 an expenditure of more than five hundred thousand dollars.

40 (c) The plans necessary for any such remodeling, alteration, repair  
41 or enlargement of any state humane institution, as defined in section  
42 17b-222, shall be subject to the approval of the administrative head of  
43 such humane institution.

44 (d) (1) Notwithstanding any provision of the general statutes, the  
45 Commissioner of Administrative Services may select consultants to be  
46 on a list established for the purpose of providing any consultant  
47 services. Such list shall be established as provided in sections 4b-56

48 and 4b-57. The commissioner may enter into a contract with any  
49 consultant on such list to perform a range of consultant services or to  
50 perform a range of tasks pursuant to a task letter detailing services to  
51 be performed under such contract.

52 (2) Notwithstanding any provision of the general statutes, the  
53 Commissioner of Administrative Services may (A) compile a list of  
54 architects, professional engineers and construction administrators for  
55 the limited purpose of providing consultant services for a particular  
56 program involving various projects for the construction of new  
57 buildings or renovations to existing buildings where such buildings  
58 are under the operation and control of either the Military Department  
59 or the Department of Energy and Environmental Protection, and (B)  
60 enter into a contract with any architect, professional engineer or  
61 construction administrator on such list for such limited purpose,  
62 except that the Adjutant General may perform the functions described  
63 in subparagraphs (A) and (B) of this subdivision for any such building  
64 under the operation and control of the Military Department.

65 (3) As used in this subsection, "consultant" means "consultant" as  
66 defined in section 4b-55, "consultant services" means "consultant  
67 services" as defined in section 4b-55, and "program" means multiple  
68 projects involving the planning, design, construction, repair,  
69 improvement or expansion of specified buildings, facilities or site  
70 improvements, wherein the work (A) will be of a repetitive nature, (B)  
71 will share a common funding source that imposes particular  
72 requirements, or (C) would be significantly facilitated if completed by  
73 the same design professional or construction administrator.

74 (e) Costs for projects authorized under subsection (b) of this section  
75 shall be charged to the bond fund account for the project for which  
76 such costs are incurred. The Department of Administrative Services  
77 shall develop procedures for expediting the administration of projects  
78 for alterations, repairs or additions authorized under said subsection  
79 (b).

80 (f) Any state agency proposing to remodel, alter or enlarge any real  
81 asset shall submit a statement to the commissioner demonstrating the  
82 capability of the real asset to facilitate recycling programs.

83 Sec. 2. Subsections (a) and (b) of section 4b-52 of the general statutes  
84 are repealed and the following is substituted in lieu thereof (*Effective*  
85 *from passage*):

86 (a) (1) No repairs, alterations or additions involving expense to the  
87 state of five hundred thousand dollars or less or, in the case of repairs,  
88 alterations or additions to a building rented or occupied by the Judicial  
89 Branch, one million two hundred fifty thousand dollars or less or, in  
90 the case of repairs, alterations or additions to a building rented or  
91 occupied by a constituent unit of the state system of higher education,  
92 two million dollars or less, shall be made to any state building or  
93 premises occupied by any state officer, department, institution, board,  
94 commission or council of the state government and no contract for any  
95 construction, repairs, alteration or addition shall be entered into  
96 without the prior approval of the Commissioner of Administrative  
97 Services, except repairs, alterations or additions to a building under  
98 the supervision and control of the Joint Committee on Legislative  
99 Management or the Military Department and repairs, alterations or  
100 additions to a building under the supervision of The University of  
101 Connecticut. Repairs, alterations or additions which are made  
102 pursuant to such approval of the Commissioner of Administrative  
103 Services shall conform to all guidelines and procedures established by  
104 the Department of Administrative Services for agency-administered  
105 projects. (2) Notwithstanding the provisions of subdivision (1) of this  
106 subsection, repairs, alterations or additions involving expense to the  
107 state of five hundred thousand dollars or less may be made to any  
108 state building or premises under the supervision of the Office of the  
109 Chief Court Administrator or a constituent unit of the state system of  
110 higher education, under the terms of section 4b-11, and any contract  
111 for any such construction, repairs or alteration may be entered into by  
112 the Office of the Chief Court Administrator or a constituent unit of the  
113 state system of higher education without the approval of the

114 Commissioner of Administrative Services.

115 (b) Except as provided in this section, no repairs, alterations or  
116 additions involving an expense to the state of more than five hundred  
117 thousand dollars or, in the case of any repair, alteration or addition  
118 administered by the Department of Administrative Services, more than  
119 one million five hundred thousand dollars, shall be made to any state  
120 building or premises occupied by any state officer, department,  
121 institution, board, commission or council of the state government, nor  
122 shall any contract for any construction, repairs, alteration or addition  
123 be entered into, until the Commissioner of Administrative Services or,  
124 in the case of the construction of or repairs, alterations or additions to a  
125 building under the supervision and control of the Joint Committee on  
126 Legislative Management of the General Assembly, said joint  
127 committee or, in the case of the construction [.] of or repairs, alterations  
128 or additions to a building involving expenditures in excess of five  
129 hundred thousand dollars but not more than one million two hundred  
130 fifty thousand dollars under the supervision and control of the Judicial  
131 Branch, said Judicial Branch or, in the case of the construction [.] of or  
132 repairs, alterations or additions to a building involving expenditures in  
133 excess of five hundred thousand dollars but not more than two million  
134 dollars under the supervision and control of one of the constituent  
135 units of higher education, [the] such constituent unit, or, in the case of  
136 the construction of or repairs, alterations or additions to a building  
137 involving expenditures in excess of five hundred thousand dollars but  
138 not more than two million dollars under the supervision and control of  
139 the Military Department, said department, has invited bids thereon  
140 and awarded a contract thereon, in accordance with the provisions of  
141 sections 4b-91 to 4b-96, inclusive, as amended by this act. The  
142 Commissioner of Administrative Services, with the approval of the  
143 authority having the supervision of state employees or the custody of  
144 inmates of state institutions, without the necessity of bids, may employ  
145 such employees or inmates and purchase or furnish the necessary  
146 materials for the construction, erection, alteration, repair or  
147 enlargement of any such state building or premises occupied by any

148 state officer, department, institution, board, commission or council of  
149 the state government.

150 Sec. 3. Subdivision (1) of subsection (a) of section 4b-91 of the  
151 general statutes is repealed and the following is substituted in lieu  
152 thereof (*Effective from passage*):

153 (a) (1) As used in this section, "prequalification classification" means  
154 the prequalification classifications established by the Commissioner of  
155 Administrative Services pursuant to section 4a-100, "public agency"  
156 has the same meaning as provided in section 1-200 and "awarding  
157 authority" means the Department of Administrative Services, except  
158 "awarding authority" means (A) the Joint Committee on Legislative  
159 Management, in the case of a contract for the construction of or work  
160 on a building or other public work under the supervision and control  
161 of the joint committee, [or (B) the] (B) a constituent unit of the state  
162 system of higher education, in the case of a contract for the  
163 construction of or work on a building or other public work under the  
164 supervision and control of such constituent unit, or (C) the Military  
165 Department, in the case of a contract for the construction of or work on  
166 a building or other public work under the supervision and control of  
167 said department.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	4b-51
Sec. 2	<i>from passage</i>	4b-52(a) and (b)
Sec. 3	<i>from passage</i>	4b-91(a)(1)

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

The bill increases the Military Department's authority over building projects by increasing, from \$500,000 to \$2 million, the amount the Military Department can spend on building construction projects. This is not anticipated to result in a fiscal impact.

House "A" makes technical changes that do not result in a fiscal impact.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

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**OLR Bill Analysis****sHB 5359 (as amended by House "A")\*****AN ACT CONCERNING STATE MILITARY CONSTRUCTION PROJECTS.****SUMMARY:**

By law, the Department of Administrative Services (DAS) commissioner has authority over most state building construction projects (e.g., remodeling, alteration, repair, or enlargement) that cost over \$500,000, with state agencies having authority over their own projects under this threshold. This bill increases the Military Department's authority over building projects by increasing, from \$500,000 to \$2 million, the amount the Military Department can spend to alter, repair, or make additions to public buildings.

It also eliminates a requirement that the Military Department receive DAS approval before beginning capital improvements. The bill requires the department to comply with the state's competitive bidding requirements if a project will cost more than \$500,000.

By law, DAS may compile a list and enter into "on-call" contracts (see BACKGROUND) with architects, professional engineers, and construction administrators "for a particular program involving various projects" for building or renovating buildings under the control of either the Military Department or Department of Energy and Environmental Protection. The bill also extends the authority to enter into on-call contracts to the adjutant general for buildings the Military Department operates and controls.

By law and under the bill, "program" means multiple projects involving the planning, design, construction, repair, improvement, or expansion of specified buildings, facilities, or site improvements. The



work involved (1) must be of a repetitive nature, (2) must share a common funding source that imposes particular requirements, or (3) would be significantly facilitated and completed using the same design professional or construction manager.

The bill also makes minor, technical, and conforming changes.

\*House Amendment "A" specifies the Military Department may enter into "on-call" contracts only for its own buildings.

EFFECTIVE DATE: Upon passage

## **BACKGROUND**

### ***On-Call Contract***

An on-call contract defines a broad range of consultant services and is generally valid for two to three years. An on-call contract is not connected to a specific project; rather, DAS issues task letters to firms with on-call contracts that identify a specific scope of services to be performed and the fee for those services.

## **COMMITTEE ACTION**

### Veterans' Affairs Committee

Joint Favorable

Yea 15 Nay 0 (03/08/2016)

### Government Administration and Elections Committee

Joint Favorable

Yea 11 Nay 0 (04/04/2016)